



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 7, 1991

Mr. Geoffrey S. Connor
Deputy General Counsel
Texas Department of Agriculture
P. O. Box 12847
Austin, Texas 78711

OR91-559

Dear Mr. Connor:

You received a request under the Texas Open Records Act, article 6252-17a, V.T.C.S., for information about chlordane usage at apartment complexes managed by Judwin Properties in Houston, Texas. You ask whether this information is subject to required public disclosure under the Act. This request was assigned ID# 12340.

You have released some documents containing the requested information, but you claim that certain other documents are excepted from disclosure by section 3(a)(3) of the Open Records Act, as information related to litigation, specifically, *State of Texas v. Eugene Winograd, M.D., and Judwin Properties, Inc.*; No. 041925; (Dist. Ct. of Harris County, 189th Judicial Dist. of Texas). The assistant attorney general who is representing the state in this case has informed us that this information is related to the litigation.

We have reviewed the documents at issue, and agree that they are related to the litigation. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information from disclosure pursuant to section 3(a)(3) of the Open Records Act until the litigation is concluded or until the information is disclosed to the opposing party or parties through discovery or otherwise. At that point, section 3(a)(3) no longer applies to the information.

Because prior published open records decisions resolve your request, we are informing you of our determination by this informal letter ruling rather than by a published open records decision. If you have questions about this ruling, please refer to OR91-559.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/mc

Ref.: ID#s 12340, 12591, 12620, 12777

Enclosures: Open Records Decision No. 551; documents sent

cc: Phillip G. Poplin
Assistant Attorney General
Environmental Protection Division

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